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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/693,799	10/20/2000	Yuda Yehuda Luz	CE08159R	8689

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MOTOROLA, INC.
1303 EAST ALGONQUIN ROAD
IL01/3RD
SCHAUMBURG, IL 60196

EXAMINER

GRAVINI, STEPHEN MICHAEL

ART UNIT	PAPER NUMBER
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3622

DATE MAILED: 03/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/693,799

Applicant(s)

LUZ ET AL.

Examiner

Stephen M Gravini

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondenc address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by Long et al. (US 5,710,990). Claim 7 is rejected under 35 U.S.C. 102(e) as being clearly anticipated by Antonio et al. (US 6,603,745). Claim 8 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by Luz (US 5,764,104).

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 2 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Long in view of Jasper (US 4,710,934). Long clearly anticipates the claimed invention, as discussed above, except for the claimed feature of a digital lowpass filter being an infinite impulse response digital lowpass filter. Jasper discloses the obvious variation of a digital lowpass filter being an infinite impulse response digital lowpass filter at column 8 lines 17-39. It would have been obvious to one skilled in the art to combine the teachings of Long with the teachings of Jasper to obviate the claimed feature. One skilled in the art would be motivated to consider Long in view of Jasper for the purpose of receiving a wider range of impulse response signals for lowpass filtering. Claim 5 is

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rejected under 35 U.S.C. 103(a) as being unpatentable over Long in view of Love et al. (US 5,422,909). Long clearly anticipates the claimed invention, as discussed above, except for the claimed feature of Nyquist rate frequency attenuation. Love discloses the obvious variation of Nyquist rate frequency attenuation at column 5 lines 7-55. It would have been obvious to one skilled in the art to combine the teachings of Long with the teachings of Love to obviate the claimed feature. One skilled in the art would be motivated to consider Long in view of Love for the purpose of greater low pass filter frequency attenuation. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Long in view of Gilhousen et al. (US 5,103,459). Long clearly anticipates the claimed invention, as discussed above, except for the claimed feature of selectable amplifier gain for constant average power dynamic range. Gilhousen discloses the obvious variation of selectable amplifier gain for constant average power dynamic range at column 25 lines 4-60. It would have been obvious to one skilled in the art to combine the teachings of Long with the teachings of Gilhousen to obviate the claimed feature. One skilled in the art would be motivated to consider Long in view of Gilhousen for the purpose of wider dynamic range of average power for analog to digital signal conversion. Claims 9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Luz in view of Jasper (US 4,710,934). Luz clearly anticipates the claimed invention, as discussed above, except for the claimed feature of a digital lowpass filter being an infinite impulse response digital lowpass filter. Jasper discloses the obvious variation of a digital lowpass filter being an infinite impulse response digital lowpass filter at column 8 lines 17-39. It would have been obvious to one skilled in the

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art to combine the teachings of Luz with the teachings of Jasper to obviate the claimed feature. One skilled in the art would be motivated to consider Luz in view of Jasper for the purpose of receiving a wider range of impulse response signals for lowpass filtering. Claims 12, 14, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Luz in view of Love (US 5,422,909). Luz clearly anticipates the claimed invention, as discussed above, except for the claimed feature of Nyquist rate frequency attenuation. Love discloses the obvious variation of Nyquist rate frequency attenuation at column 5 lines 7-55. It would have been obvious to one skilled in the art to combine the teachings of Luz with the teachings of Love to obviate the claimed feature. One skilled in the art would be motivated to consider Luz in view of Love for the purpose of greater low pass filter frequency attenuation. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Luz in view of Gilhousen (US 5,103,459). Luz clearly anticipates the claimed invention, as discussed above, except for the claimed feature of selectable amplifier gain for constant average power dynamic range. Gilhousen discloses the obvious variation of selectable amplifier gain for constant average power dynamic range at column 25 lines 4-60. It would have been obvious to one skilled in the art to combine the teachings of Long with the teachings of Gilhousen to obviate the claimed feature. One skilled in the art would be motivated to consider Long in view of Gilhousen for the purpose of wider dynamic range of average power for analog to digital signal conversion. Claims 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Luz in view of White et al. (US 5,459,432). Luz clearly anticipates the claimed invention, as discussed above, except for the claimed feature of decimating

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one or more digital sample series prior to any one of low pass filtering and calculating average power. White discloses the obvious variation of decimating one or more digital sample series prior to any one of low pass filtering and calculating average power at column 9 lines 18-66. It would have been obvious to one skilled in the art to combine the teachings of Luz with the teachings of White to obviate the claimed feature. One skilled in the art would be motivated to consider Luz in view of White for the purpose of greater digital sample decimation thereby creating a clearer signal prior to any one of low pass filtering or average power calculating.

Response to Arguments

Applicant's arguments filed February 12, 2004 have been fully considered but they are not persuasive.

anticipation

Under the broadest reasonable claim interpretation by one skilled in the art, the Office is permitted to give the claimed features the broadest reasonable interpretation in light of the specification. It is argued that the preamble amendment and the body of the claims amendment overcomes the prior art rejection. However, it is considered that those amended recitations are considered statements of intended use. Statements of intended use normally do not impart patentability, if the prior art performs the same function, in the same way, for the same result as the claimed invention. In this case, it

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is considered that the face of each of the prior art references is a prima facie showing of the claimed invention.


Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Steve Gravini whose voice telephone number is (703) 308-7570 and electronic transmission / e-mail address is "steve.gravini@uspto.gov". Examiner can normally be contacted Monday through Friday from 6:00 a.m. to 3:30 p.m. **If applicants choose to send information by e-mail, please be aware that confidentiality of the electronically transmitted message cannot be assured.** Please see MPEP 502.02. Information may be sent to the Office by facsimile transmission. The facsimile transmission telephone numbers for TC-3600 are:

After-final	(703) 872-9327
Official	(703) 872-9306
Non-Official/Draft	(703) 872-9325


STEPHEN GRAVINI
PRIMARY EXAMINER

smg
March 12, 2004